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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SHELBY C HAAG,

Case No.

Plaintiff,

v.

COMPLAINT FOR VIOLATIONS OF
FAIR DEBT COLLECTION
PRACTICES ACT

DERRICK MC GAVIC dba THE LAW
OFFICES OF DERRICK MC GAVIC,
FIRST RESOLUTION INVESTMENT
CORPORATION

JURY REQUESTED

Defendant.

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. §1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") .
3. Venue is proper in this District because the acts and transactions occurred here,

Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Shleby C. Haag (hereinafter “Plaintiff”) is a natural person who resides in the City of Salem, State of Oregon, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

5. Defendant Derrick Mc Gavic dba The Law Offices of Derrick McGavic. (hereinafter “McGavic”) operating from an address of 1666 West 12th Avenue Eugene, Oregon 97440 is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

6. Defendant First Resolution Investment Corporation operating from an address of 851 Coho Way #312 Bellingham, WA 98225 is not licenced to do business in the state of Oregon, and is a “debt collector” as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

7. Capital One Bank sold an alleged debt to First Resolution Investment Corporation.

8. First Resolution Investment Corporation obtained a judgment against a John Doe also known as Shelby Haag.

9. Another person named Shelby Haag owes this debt.

10. Plaintiff has informed Defendants that they are collecting from the wrong Shelby Haag. However, Defendants keep collecting from Plaintiff.

11. McGavic registered a foreign judgment, *Capital One Bank vs. Shelby C. Haag* Case No: 70307 obtained in Lamar County Texas, against Plaintiff in an attempt to collect the alleged debt.

12. Plaintiff contacted McGavic by telephone to dispute the debt. Plaintiff asked McGavic to provide Plaintiff with copies of the original debt and credit card number associated with the debt.

13. Plaintiff wrote McGavic a letter requesting McGavic validate the debt.

14. McGavic obtain a writ of garnishment against Plaintiff and has garnished Plaintiff's wages for the alleged debt Plaintiff did no incur and does not owe.

15. Despite Plaintiff's efforts McGavic has not validated the alleged debt and continues to collect from Plaintiff.

TRIAL BY JURY

16. Plaintiff is entitled to and hereby respectfully demands a trial by jury. US Const. amend. 7. Fed. R. Civ. Pro. 38.

CAUSES OF ACTION

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

17. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

18. The foregoing acts and omissions of defendant constitute numerous and multiple violations of the FDCPA including, but not limited to, 15 U.S.C. § 1692e, 1692e(2)(A), and 1692f. 1692f(1), 1692g(b).

19. As a result of defendant's violations of the FDCPA, plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00

pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against defendants for:

COUNT I.

VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15 U.S.C. § 1692 *et seq.*

for an award of actual damages pursuant to 15 U.S.C. § 1692k(a)(1) against each and every defendant;

for an award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A) against each and every defendant;

for an award of costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3) against each and every defendant;

DATED: October 28, 2008

/s/ Keith D. Karnes
Keith D. Karnes, OSB # 03352
503-362-9393
Attorney for Defendant Shelby Haag